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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

DAVID R. NAHIN, M.D.,

Respondent

ORDER GRANTING PETITION

On April 28, 1993, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter, by which the board accepted the voluntary surrender of Dr. Nahin's license to practice medicine and surgery. By letter dated October 20, 1993, addressed to John R. Zwieg, attorney for the Division of Enforcement, Dr. Nahin, by Attorney Daniel P. Fay, requested reinstatement of a limited license. Dr. Nahin and Mr. Fay appeared before the board at its meeting of November 18, 1993, in support of the petition, and the board considered the matter on that date. The board denied the petition by its Order dated November 29, 1993.

Dr. Nahin, by Attorney Fay, renewed his petition by letter dated December 14, 1993. Dr. Nahin requested that he be granted a limited license to permit him employment exclusively as a Medical Review Officer at Examination Management Services, Inc., Milwaukee. The petition included a letter of support from Dr. David G. Benzer, Director of the McBride Center at Milwaukee Psychiatric Hospital, describing Dr. Nahin's current treatment plan. Dr. Nahin and Mr. Fay appeared before the board in support of the petition on January 20, 1994. The board considered the matter on that date, and granted the petition by its Order dated January 29, 1994.

Pursuant to the board's Order, Dr. Nahin appeared before the board on July 21, 1994, in support of renewal of the limited license. At that time, Dr. Nahin requested that the board reduce the frequency of required urine screens, and requested as well that he be permitted to practice as a medical review officer at sites other than Substance Abuse Management, Inc. The board considered the request on July 21, and granted the request by its Order dated August 9, 1994.

Pursuant to the board's Order, Dr. Nahin again appeared before the board on January 26, 1995, for oral interview. At that time, Dr. Nahin orally requested that the board drop all limitations on the license. The board considered the matter on that date, and denied the petition by its order dated February 3, 1995.

Dr. Nahin's next appearance before the board was on July 27, 1995. At that time, Dr. Nahin requested that the limited license be modified to decrease the number of urine screens and therapy sessions to four and two per month, respectively, and to permit him to do internal

medicine consultations or histories and physicals. That request was supported by Dr. Benzer by his letter dated June 1, 1995. The board granted the requests by its Order dated August 3, 1995.

Pursuant to the August, 1995, Order, Dr. Nahin again appeared on January 25, 1996. This time, Dr. Nahin requested that the limitations on his license be terminated and that the matter be referred to the Impaired Professionals Procedure. The board considered the request on that date, and denied that request by its Order dated January 30, 1996.

By letter dated June 11, 1996, David G. Benzer, DO, recommended to the board that Dr. Nahin's urine screens be reduced to two per month, and that restrictions on Dr. Nahin's practice setting be eliminated. The board considered that request at its meeting of July 24, 1996.

Based upon Dr. Nahin's request, and all other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the board's Order Granting Limited License in this matter dated January 29, 1994, as modified by the board's orders dated August 9, 1994, and August 3, 1995, is hereby modified to read as follows:

1. Dr. Nahin shall continue in his chemical dependency treatment program at the McBride Center for Impaired Professionals, Milwaukee, Wisconsin, and shall not disassociate himself from the program until formally discharged by his treatment supervisor with the approval of the board. The program shall include individual visits with Dr. David G. Benzer on at least a monthly basis, and group therapy on a frequency as determined by Dr. Benzer.

2. As a part of his treatment program, Dr. Nahin shall submit to a program of fully random (random hours, days and weeks) witnessed monitoring of blood or urine for the presence of alcohol and controlled substances on a basis of at least two times per month. The monitoring facility must agree to file an immediate report with the board in the event Dr. Nahin fails to appear upon request, the monitoring screen proves positive, or Dr. Nahin refuses to provide a specimen upon a request authorized under the terms of this Order.

4. Dr. Nahin shall abstain from any and all personal use of alcohol or controlled substances, as defined by Wis. Stats. sec. 161.01(4), unless prescribed for him by his treating physician.

5. Dr. Nahin shall attend A.A. or N.A. meetings a minimum of four times each week.

6. Dr. Nahin may apply for and hold a DEA registration for controlled substances.

7. Dr. Nahin shall be responsible for submission to the board of formal written quarterly reports prepared by Dr. Benzer setting forth Dr. Nahin's activities and progress in the treatment program, including the results of random drug screens.

8. Dr. Nahin shall provide and keep on file with his supervising physician and all treatment facilities and personnel current releases which comply with all applicable state and federal laws authorizing release of all of his medical and treatment records and reports to the Medical Examining Board and which permit his treating physician and therapists to disclose and discuss the progress of his treatment and rehabilitation with the Medical Examining Board and its agents. Copies of said releases shall be filed simultaneously with the Medical Examining Board.

9. The term of the license shall be for six months from the date of this Order Granting Petition. Dr. Nahin may apply at the end of six months for renewal of the license and shall appear before the board at that time in support of any such application.

10. Violation of any of the terms and conditions of this Order shall constitute grounds for revocation of the limited license or imposition of additional limitations as deemed appropriate by the board.

Dated this 7th day of August, 1996.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by W.R. Schwartz, M.D.
W.R. Schwartz, M.D.
Secretary